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With regard to the attempt to execute a Chinaman in front of the foreign factories, which Mr. Wells assumes to have been "for the purpose of deliberate insult to foreigners," he has omitted to mention that the man had been convicted of selling opium. The object of the Chinese authorities obviously was to impress upon the foreign merchants their determination no longer to permit their salutary laws against opium smuggling to be set at defiance, even by their own subjects. But every warning was lost upon the traders, and the Chinese were thus at length led to take the strong measures which brought on the war.

Impartial and unprejudiced readers of the contemporary despatches will agree with the judgment pronounced at the time by Dr. Arnold, of Rugby, that the opium war was "a national sin of the greatest possible magnitude." Mr. Gladstone's speech in the House of Commons, made during the debate on the war, has been ratified as the judgment of history, and may well be set off against the opinion of Mr. Quincy Adams, as quoted by Mr. Wells:

"A war more unjust in its origin, a war more calculated to cover this country with permanent disgrace, I do not know, and I have not read of. The right honorable gentlemen opposite spoke of the British flag waving in glory at Canton. That flag is hoisted to protect an infamous possible contraband traffic; and if it were never hoisted except as it is now hoisted on the coast of China, we should recoil from its sight with horror. Although the Chinese were undoubtedly guilty of much absurd phraseology, of no little ostentatious pride, and of some excess, justice, in my opinion, is with them; and whilst they, the pagans, the semi-civilized barbarians, have it on their side, we, the enlightened Christians, are pursuing objects at variance both with justice and with religion."

The United States have freed themselves from all complicity with the opium traffic by their treaty with China, which absolutely forbids American citizens to import opium into that country. Those who, in the United Kingdom, are striving to induce their native land to follow this good example, and thus do all that can now be done to wipe out the crime of the past, whilst getting rid of the national disgrace that attends her continued participation in the evil traffic, may surely count upon the sympathy and support of all right-minded citizens of the American Republic.

JOSEPH G. ALEXANDER,

Hon. Sec. Society for the Suppression of the Opium Trade.

ROMAN AND ANGLO-SAXON CRIMINAL JURISPRUDENCE.

The following correspondence refers to a point touched upon by the Mexican Minister in his article on "Criminal Jurisprudence, Roman and Anglo-Saxon," in the July number of the REVIEW.

I.

SEÑOR DON MATIAS ROMERO,

Minister of the Republic of Mexico, Washington, D. C.

DEAR SIR: I have read with deep interest your valuable article in the July number of the NORTH AMERICAN REVIEW, contrasting the systems of criminal jurisprudence in force in your own country and in this: and I am happy to say that I have gained from it much information which I had not before possessed, and of which very, very few of our American lawyers, and publicists even, have any adequate knowledge, and I desire, therefore, to sincerely thank you.

May I, however, take the liberty of correcting a misstatement contained in the paragraph commencing at the bottom of page 88. It would seem that you regard the power of a court of equity to restrain the enforcement of a common-law judgment as equivalent to the power of a court of appeal. As a matter of fact, it is not so. A court of equity has no power whatever, under our system of jurisprudence, to interfere where an appeal would be the proper remedy. But where there has been fraud, or where it appears that judgment has been entered when, in fact, no summons has been served on defendant, although the record recites that summons has been served, a court of equity may act, provided the question could not have been raised in the common-law suit, by reason of want of knowledge on the part of the defendant until after the expiration of the term of court, or some similar reason. In addition, the defendant who seeks the aid of a court of equity in such case must show that the plaintiff had no cause of action; but, if an appeal can be taken, an appeal must be taken, or defendant cannot complain.

The error into which you have inadvertently fallen is, perhaps, a natural one, and does not detract in the least from the value of your article, for which I again express my appreciation.

I am, respectfully, your obedient servant.

EDWIN I. FELSENTHAL.

II.

MR. EDWIN I. FELSENTHAL,

DEAR SIR: In answer to your kind and appreciative note concerning my article in the NORTH AMERICAN REVIEW, contrasting the criminal systems of the Roman and the English law, I have to say that I am entirely aware that under the English or Anglo-American system of jurisprudence, there is technically no appeal from the courts of common law to the courts of equity, but that the concurrent jurisdiction of courts of common law and equity and the power of courts of equity in many cases to annul or restrain the judgments of courts of law had the practical effect of an appeal from the latter to the former. Probably I did not use the term "appeal" in the strict technical sense which it has in your jurisprudence, but rather in the common sense. However, your great commentator, Sir Edward Coke, in his famous controversy with Lord Bacon concerning the jurisdiction of equity, would seem to have regarded the exercise of the jurisdiction assumed by equity as an attempt to give an appeal to the courts of chancery from the courts of common law.

Thanking you for the kind expressions concerning my article contained in your letter.

I am, very truly yours,

M. ROMERO.